

## Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 COME-00 EB-07 INR-07 LAB-04

NSAE-00 SIL-01 L-03 /032 W

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R 050826Z FEB 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 1878

C O N F I D E N T I A L MANILA 1848

E. O. 11652: GDS

TAGS: ELAB, RP

SUBJECT: GOP LISTS VITAL INDUSTRIES BANNED FROM STRIKES

BEGIN SUMMARY: GOP ON FEBRUARY 4 ISSUED EXTENSIVE LISTING OF INDUSTRIES WHICH ARE CONSIDERED VITAL UNDER P.D. 823 AS AMENDED AND THEREFORE EXEMPTED FROM STRIKES OR LOCKOUTS. TUCP OBVIOUSLY UNHAPPY WITH BROAD SPAN OF COMPANIES COVERED AND PLANNING STRONG PROTEST TO DOL. EMBASSY TENDS AGREE WITH TUCP VIEW THAT RECENT LABOR UNREST AND ROUNDUP OF "SUBVERSIVES" HAS PROMPTED TOUGHER AND MORE RESTRICTIVE GOP POLICY ON STRIKE ISSUE THAN ANTICIPATED. END SUMMARY

1. FOLLOWING INTER-AGENCY CONSULTATIONS AMONG VARIOUS GOP ENTITIES INCLUDING NEDA, CENTRAL BANK AND DEPARTMENTS OF LABOR, TRADE, TOURISM, AND FINANCE, PRESIDENT MARCOS ON FEBRUARY 4 ISSUED LETTER OF INSTRUCTION (LOI) RELATED TO P.D. 823 AS AMENDED. UNDER THAT LABOR DECREE, STRIKES AND LOCKOUTS ALLOWED ONLY IN NON-VITAL INDUSTRIES OVER UNRESOLVED ECONOMIC ISSUES IN COLLECTIVE BARGAINING (MANILA 17655). LOI LISTED, FOR GUIDANCE WORKERS AND EMPLOYERS, EIGHT GENERAL CATEGORIES OF INDUSTRIES (TOGETHER WITH FIRMS FALLING UNDER EACH) WHICH ARE CONSIDERED VITAL AND THEREFORE FALL UNDER STRIKE BAN. FURTHER, THE SECRETARY OF LABOR WAS AUTHORIZED TO INCLUDE IN OR EXCLUDE FROM LIST ANY INDUSTRY, FIRM OR COMPANY AS ANATIONAL INTEREST, NATIONAL SECURITY, OR GENERAL WELFARE MAY REQUIRE.

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2. LISTING OF VITAL INDUSTRIES, WITH FIRMS FALLING UNDER

EACH CATEGORY, AS FOLLOWS:

I. PUBLIC UTILITIES (A. TRANSPORTATION, B. COMMUNICATIONS, C. COMPANIES ENGAGED IN ELECTRIC, LIGHT, GAS STEAM, WATER POWER GENERATION AND SANITARY SERVICE, AND D. OTHER PUBLIC UTILITIES);

II. COMPANIES ENGAGED IN MANUFACTURE OR PROCESSING OF FOLLOWING ESSENTIAL COMMODITIES (A. ANIMAL FEEDS, B. CEMENT, C. CHEMICALS AND FERTILIZERS, D. DRUGS AND MEDICINES, E. FLOUR, F. PRODUCTS CLASSIFIED AS ESSENTIAL COMMODITIES BY NEDA WITH SOME LISTED EXCEPTIONS, G. IRON, STEEL, COPPER, TIN PLATES AND OTHER BASIC MINERAL PRODUCTS, H. MILK, I. NEWSPRINT, J. TIRES, K. SUGAR, AND L. TEXTILE AND GARMENTS);

III. COMPANIES ENGAGED IN PRODUCTION AND PROCESSING OF CERTAIN EXPORT PRODUCTS (INCLUDING BETTER HOTELS AND RESTAURANTS);

IV. COMPANIES ENGAGED IN EXPLORATION, DEVELOPMENT, MINING, SMELTING OR REFINING OF COAL, OIL, IRON, COPPER, GOLD, AND OTHER MINERALS;

V. COMPANIES OR FIRMS ENGAGED IN BANKING (INCLUDING A. COMMERCIAL BANKS, B. SAVINGS BANKS, C. DEVELOPMENT BANKS, D. INVESTMENT BANKS, E. RURAL BANKS, F. SAVINGS AND LOAN ASSOCIATIONS, G. COOPERATIVE BANKS, AND H. CREDIT UNIONS);

VI. COMPANIES OR FIRMS ACTUALLY ENGAGED IN GOVERNMENT INFRASTRUCTURE PROJECTS AND IN ACTIVITIES COVERED BY DEFENSE CONTRACTS;

VII. HOSPITALS AS DEFINED IN LABOR CODE; AND

VIII. SCHOOLS AND COLLEGES DULY RECOGNIZED BY GOVERNMENT.

3. AMONG INDUSTRIES CONSIDERED AS NON-VITAL, THE FOLLOWING LISTED COMPANIES MANUFACTURING ALCOHOLIC AND NON-ALCOHOLIC

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BEVERAGES, COMMERCIAL AND MERCHANDIZING COMPANIES, SERVICE ENTERPRISES, CIGARETTE COMPANIES, AGRICULTURAL ENTERPRISES (EXCEPT SUGAR), AND RUBBER AND PLYWOOD FIRMS.

4. PREFACING HIS COMMENT BY STATEMENT "THIS SURE PROVES WE'RE STILL UNDER MARTIAL LAW", TUCP PRESIDENT ROBERTO OCA UNBURDENED HIMSELF TO LABATT FEBRUARY 5 AS FOLLOWS. TUCP OBVIOUSLY VERY UNHAPPY WITH BROAD SPAN OF LISTING

AND THEIR BOARD WAS MEETING SAME EVENING TO CONSIDER STRONG PROTEST TO DOL. HOWEVER, HE REFLECTED, WHAT CAN YOU DO WHEN GOP USES SUCH JUSTIFICATIONS AS "NATIONAL SECURITY" -- IT THEN OUT OF LABOR'S HANDS. OCA EXPRESSED OPINION GOVERNMENT HAD PROBABLY EXPANDED STRIKE BAN LISTING AS RESULT RASH OF ILLEGAL STRIKES PROVOKED BY DISSIDENT LABOR GROUPS, PARTICULARLY BUKLURAN (SEE MANILA 1137 AND 1681). BUKLURAN HAD ITS OWN IDEOLOGICAL APPROACH TO TRADE UNIONISM AND ITS "TO HELL WITH THE LAW" ATTITUDE HAD UNFORTUNATELY CAPTURED IMAGINATION OF SOME WORKERS AND HAD PUT MORE LAW-ABIDING TUCP ON DEFENSIVE. IN SEPARATE CONVERSATION FEBRUARY 5, TUCP GENERAL SECRETARY DEMOCRITO MENDOZA ALSO SPECULATED THAT GOP DRIVE LAST FEW WEEKS AGAINST "SUBVERSIVES" HAD STIFFENED REGIME'S ATTITUDE ON STRIKE ISSUE.

5. COMMENT: EMBASSY HAS NOTED IN ITS MANILA 1381 AND OTHER MESSAGES THAT P.D. 823 AS AMENDED DID NOT GREATLY LIBERALIZE EARLIER TOTAL BAN ON STRIKES AS ADVERTISED AND IN FACT IMPOSED SEVERE RESTRICTIONS ON RIGHT TO STRIKE. IT'S A WONDER THAT CATCH-ALL LOI LISTING OF SO-CALLED VITAL INDUSTRIES DOESN'T INCLUDE LOCAL NEIGHBORHOOD SARI-SARI STORES. EMBASSY TENDS AGREE WITH TUCP VIEW THAT RECENT LABOR UNREST HAS PROMPTED TOUGHER AND MORE RESTRICTIVE GOP POLICY ON STRIKE THAN ORIGINALLY ANTICIPATED WHEN P.D. 823 AS AMENDED FIRST CAME OUT ON DECEMBER 16, 1975. SULLIVAN

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** INDUSTRY, LABOR RELATIONS, POLICIES, LABOR STRIKES, CENTRAL GOVERNMENT, EXCEPTIONS LIST  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 05 FEB 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** coburnhl  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976MANILA01848  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760044-0011  
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**Office:** ACTION EA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
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**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** coburnhl  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 27 JUN 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <07 JUN 2004 by greeneet>; APPROVED <28 SEP 2004 by izenbei0>; RELEASED <27 JUN 2005 by blochd0>; APPROVED <05 JUL 2005 by coburnhl>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** GOP LISTS VITAL INDUSTRIES BANNED FROM STRIKES BEGIN SUMMARY: GOP ON FEBRUARY 4 ISSUED EXTENSIVE LISTING  
**TAGS:** ELAB, RP  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006